

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2073

Introduced by Assembly Member Bigelow

February 20, 2014

An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2073, as amended, Bigelow. Alcoholic beverage control: public schoolhouses.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides for various exceptions to this prohibition, including an exception where the alcoholic beverage is possessed, consumed, or used during a special event held at the facilities of a public community college, as provided.

This bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the alcoholic beverages are acquired, possessed, used, sold, or consumed pursuant to a license or permit obtained for special events held at facilities, as described, owned and operated by an educational agency, a county office of education, superintendent of schools, school district, or community college district at a time when pupils are ~~generally~~ not on the grounds.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25608 of the Business and Professions Code is amended to read:

25608. (a) Every person who possesses, consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds of the schoolhouse, is guilty of a misdemeanor. This section does not, however, make it unlawful for any person to acquire, possess, or use any alcoholic beverage in or on any public schoolhouse, or on any grounds of the schoolhouse, if any of the following applies:

(1) The alcoholic beverage possessed, consumed, or sold, pursuant to a license obtained under this division, is wine that is produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.

(2) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

(3) The public schoolhouse is surplus school property and the grounds of the schoolhouse are leased to a lessee that is a general law city with a population of less than 50,000, or the public schoolhouse is surplus school property and the grounds of the schoolhouse are located in an unincorporated area and are leased to a lessee that is a civic organization, and the property is to be used for community center purposes and no public school education is to be conducted on the property by either the lessor or the lessee and the property is not being used by persons under the age of 21 years for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

(4) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated veterans stadium with a capacity of over 12,000 people, located in a county with a population of over 6,000,000 people. As used in this paragraph, "events" mean football games sponsored by a college, other than a public community college, or other events sponsored by noncollege groups.

(5) The alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built on property owned by a community college district

1 and leased to a nonprofit organization that is a public benefit
2 corporation formed under Part 2 (commencing with Section 5110)
3 of Division 2 of Title 1 of the Corporations Code. As used in this
4 paragraph, “performing arts facility” means an auditorium with
5 more than 300 permanent seats.

6 (6) The alcoholic beverage is wine for sacramental or other
7 religious purposes and is used only during authorized religious
8 services held on or before January 1, 1995.

9 (7) The alcoholic beverages are acquired, possessed, or used
10 during an event at a community center owned by a community
11 services district or a city and the event is not held at a time when
12 students are attending a public school-sponsored activity at the
13 center.

14 (8) The alcoholic beverage is wine that is acquired, possessed,
15 or used during an event sponsored by a community college district
16 or an organization operated for the benefit of the community
17 college district where the college district maintains both an
18 instructional program in viticulture on no less than five acres of
19 land owned by the district and an instructional program in enology,
20 which includes sales and marketing.

21 (9) The alcoholic beverage is acquired, possessed, or used at a
22 professional minor league baseball game conducted at the stadium
23 of a community college located in a county with a population of
24 less than 250,000 inhabitants, and the baseball game is conducted
25 pursuant to a contract between the community college district and
26 a professional sports organization.

27 (10) The alcoholic beverages are acquired, possessed, or used
28 during events at a college-owned or college-operated stadium or
29 other facility. As used in this paragraph, “events” means fundraisers
30 held to benefit a nonprofit corporation that has obtained a license
31 pursuant to this division for the event. “Events” does not include
32 football games or other athletic contests sponsored by any college
33 or public community college. This paragraph shall not apply to
34 any public education facility in which any grade from kindergarten
35 to grade 12, inclusive, is schooled.

36 (11) The alcoholic beverages are possessed, consumed, or sold,
37 pursuant to a license, permit, or authorization obtained under this
38 division, for an event held at an overnight retreat facility owned
39 and operated by a county office of education or a school district
40 at times when pupils are not on the grounds.

1 (12) The grounds of the public schoolhouse on which the
2 alcoholic beverage is acquired, possessed, used, or consumed is
3 property that has been developed and is used for residential
4 facilities or housing that is offered for rent, lease, or sale
5 exclusively to faculty or staff of a public school or community
6 college.

7 (13) The grounds of a public schoolhouse on which the alcoholic
8 beverage is acquired, possessed, used, or consumed is property of
9 a community college that is leased, licensed, or otherwise provided
10 for use as a water conservation demonstration garden and
11 community passive recreation resource by a joint powers agency
12 comprised of public agencies, including the community college,
13 and the event at which the alcoholic beverage is acquired,
14 possessed, used, or consumed is conducted pursuant to a written
15 policy adopted by the governing body of the joint powers agency
16 and no public funds are used for the purchase or provision of the
17 alcoholic beverage.

18 (14) The alcoholic beverage is beer or wine acquired, possessed,
19 used, sold, or consumed only in connection with a course of
20 instruction, sponsored dinner, or meal demonstration given as part
21 of a culinary arts program at a campus of a California community
22 college and the person has been authorized to acquire, possess,
23 use, sell, or consume the beer or wine by the governing body or
24 other administrative head of the school.

25 (15) The alcoholic beverages are possessed, consumed, or sold,
26 pursuant to a license or permit obtained under this division for
27 special events held at the facilities of a public community college
28 during the special event. As used in this paragraph, “special event”
29 means events that are held with the permission of the governing
30 board of the community college district that are festivals, shows,
31 private parties, concerts, theatrical productions, and other events
32 held on the premises of the public community college and for
33 which the principal attendees are members of the general public
34 or invited guests and not students of the public community college.

35 (16) The alcoholic beverages are acquired, possessed, or used
36 during an event at a community college-owned facility in which
37 any grade from kindergarten to grade 12, inclusive, is schooled,
38 if the event is held at a time when students in any grades from
39 kindergarten to grade 12, inclusive, are not present at the facility.
40 As used in this paragraph, “events” include fundraisers held to

1 benefit a nonprofit corporation that has obtained a license pursuant
2 to this division for the event.

3 (17) The alcoholic beverages are acquired, possessed, used, or
4 consumed pursuant to a license or permit obtained under this
5 division for special events held at facilities owned and operated
6 by an educational agency, a county office of education,
7 superintendent of schools, school district, or community college
8 district at a time when pupils are ~~generally~~ not on the grounds. As
9 used in this paragraph, “facilities” includes, but are not limited to,
10 office complexes, conference centers, or retreat facilities.

11 (b) Any person convicted of a violation of this section shall, in
12 addition to the penalty imposed for the misdemeanor, be barred
13 from having or receiving any privilege of the use of public school
14 property which is accorded by Article 2 (commencing with Section
15 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the
16 Education Code.